

DECLARATION AND POWER OF ATTORNEY  
FOR PATENT APPLICATION

As below named inventors, we hereby declare that:

TYPE OF DECLARATION

This declaration is of the following type:

☒ Utility

INVENTORSHIP IDENTIFICATION

Our residence, post office addresses and citizenships are as stated below next to our name.

We believe we are the original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled:

TITLE OF INVENTION

DEVICE TO PERMIT OFFPUMP BEATING  
HEART CORONARY BYPASS SURGERY

SPECIFICATION IDENTIFICATION

the specification of which is attached hereto.

ACKNOWLEDGEMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

We hereby state that we have reviewed and understand the contents of the above identified specification, including the claims as amended by any amendment referred to above.

We acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

PRIORITY CLAIM

We hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application(s) for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

☒ no such applications have been filed.

We hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, we acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

☒ parent application Serial Number 08/936,184 filed on September 17, 1997.

#### POWER OF ATTORNEY

As a named inventors, we hereby appoint the following attorney to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Terry M. Gernstein  
Reg. No. 26,891

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McLean, VA 22101

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#### DECLARATION

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

SIGNATURES

Full name of first inventor: Paul A. Spence

Inventor's signature: Paul Spence

Date: May 25/98 Country of citizenship: Canada

Residence: 5818 Orion Rd., Louisville, KY 40222

Post Office Address: The same as above residence address

Full name of second inventor: <sup>P.</sup> Warren Williamson IV

Inventor's signature: Warren Williamson

Date: 5-23-78 Country of citizenship: United States

Residence: 101 Southbend Court, Loveland, OH 45140

Post Office Address: The same as above residence address

Full name of third inventor: Mark Ortiz

Inventor's signature: Mark Ortiz

Date: 5-24-98 Country of citizenship: United States

Residence: 5981-7 Meadowcreek Road, Milford, OH 45150

Post Office Address: The same as above residence address